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Attorneys for Defendants  
TIEN CHANG WANG, M.D., and  
FREMONT EMERGENCY SERVICES

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

>\*<

ERENDIRA ESPERANZA GUZMAN-IBARGUEN,  
individually; ERENDIRA MEJIA-GUZMAN,  
individually; MARIA FERNANDEZ MEJIA-  
GUZMAN, individually; TAMMY HARLESS,  
as Special Administrator for the Estate of  
OSCAR ANICETO MEJIA-ESTRADA,

Plaintiffs,

v.

SUNRISE HOSPITAL AND MEDICAL CENTER,  
LLC; OSCAR CHAVES, RN; NANCY BEASLEY,  
RN; ARLAMAY ROGERS, RN; LAUREN  
HENDRICKS, RN; MARCELINO A. TACADENA,  
RN; TINA HAYES, CNA; NURSE STRUASS, RN;  
TIEN CHANG WANG, M.D.; ANTHONY KEILY;  
JEFFREY JOHNSTON; SOUTHWEST  
EMERGENCY ASSOCIATES;  
DOES I-XX and ROES I-X,

Defendants.

Case No.: 2:10-cv-01983-PMP-GWF  
Case No.: 2:10-cv-01228-PMP-PAL

**CONSOLIDATED CASE NO.:  
2:10-cv-01228-PMP-PAL**

**DEFENDANTS TIEN CHANG  
WANG, M.D.'S WITHDRAWAL  
OF MOTION TO SET ASIDE  
DECEMBER 28, 2010  
RELEASING COST BONDS TO  
PLAINTIFFS, OBJECTION TO  
MARCH 16, 2011 ORDER  
RELEASING COST BONDS TO  
PLAINTIFFS, MOTION FOR  
ORDER RELEASING COST  
BONDS TO DEFENDANTS OR  
IN THE ALTERNATIVE  
MOTION FOR LIMITED  
REMAND**

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COME NOW Defendants, TIEN CHANG WANG, M.D. AND FREMONT EMERGENCY SERVICES, by and through their attorneys of record, ALVERSON, TAYLOR, MORTENSEN & SANDERS, and hereby submit this Withdrawal of Motion regarding Defendants' Motion to Set Aside December 28, 2010 Order releasing cost bonds in the amount of \$10,500.00 to Plaintiffs and Objection to the March 16, 2011 Order releasing cost bonds in the amount of \$10,500.00 to Plaintiffs.

This Withdrawal of Motion is made and based upon the papers and pleadings on file herein, the following Points and Authorities submitted in support hereof, and any such oral argument as this Honorable Court may entertain if a hearing is scheduled for this matter.

DATED this 1<sup>st</sup> day of April, 2011.

ALVERSON, TAYLOR, MORTENSEN & SANDERS

By: 

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FREMONT EMERGENCY SERVICES

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I.**

#### **LEGAL ARGUMENT**

On December 15, 2010, Plaintiffs filed a Motion for Order for Return of Monies on Deposit with the District Court, requesting that the Eighth Judicial District Court return \$10,500.00 in cost bonds to Plaintiffs. However, Plaintiffs failed to serve Defendants herein with said Motion and as such, Defendants did not have any opportunity to oppose Plaintiffs' Motion. On December 28, 2010,

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the Federal Court issued an Order, ordering the Eighth Judicial District Court to return the \$10,500.00 in cost bonds to Plaintiffs. Again, Defendants were not served with the Federal Court's Order. On February 18, 2011, Plaintiffs filed a Motion for Order to Show Cause, requesting that the Eighth Judicial District Court appear in Federal Court to provide justification for its failure to abide by the Federal Court's Order and release the cost bonds. At that time, Defendants Dr. Wang and Fremont Emergency Services learned of Plaintiffs' attempts to seek release of the costs bonds on deposit with the Eighth Judicial District Court and this Court's December 28, 2010 Order. On March 16, 2011, this Court issued another Order, instructing the Eighth Judicial District Court to release the cost bonds to Plaintiffs.

On March 29, 2011, Plaintiffs appeared in Federal Court for the hearing on Plaintiffs' Motion for Order to Show Cause, at which time counsel for Plaintiffs represented to the Court that the Eighth Judicial District Court abided by the Federal Court Order and released the \$10,500.00 cost bonds to Plaintiffs. As such, Defendants Dr. Wang and Fremont Emergency Services' Motion to Set Aside the December 28, 2010 Order and Objection to the March 16, 2011 Order is moot. Therefore, Defendants seek to withdraw said Motion and Objection.

DATED this 1<sup>st</sup> day of April, 2011.


IT IS SO ORDERED.

ALVERSON, TAYLOR, MORTENSEN & SANDERS

PHILIP M. PRO  
UNITED STATES DISTRICT JUDGE

Dated: April 4, 2011.

By:

  
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